

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CMG HOLDINGS GROUP, INC., as successor to :
XA THE EXPERIENTIAL AGENCY, INC., :

Plaintiff, :

vs. :

JOSEPH WAGNER, HUDSON GRAY LLC, :
DARREN ANDERECK, JESSIE LOMMA, :
MICHAEL DAY, JEAN WILSON, ESTELLE :
PIZZO, STUDIO AG, LLC, REMIGIO GUDIN, :
and MIXED COMPANY, INC., :

Defendants. :

Civil Action No.: 15-cv-05814-JPO

**DECLARATION OF
REMIGIO GUDIN
IN SUPPORT OF DEFENDANTS'
MOTION TO DISMISS PLAINTIFF'S
AMENDED COMPLAINT**

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JOSEPH WAGNER, JEFFREY SMITH, DARREN :
ANDERECK, and JESSIE LOMMA, :

Third-Party Plaintiffs, :

vs. :

GLENN LAKEN and ALEXIS LAKEN, :

Third-Party Defendants. :
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REMIGIO GUDIN, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury that the following is true and correct:

1. I am a defendant herein. I am fully familiar with the facts and circumstances set forth below.

2. I submit this Declaration in support of Defendants' motion to dismiss the First Amended Complaint (the "Amended Complaint"), pursuant to Federal Rule of Civil Procedure 12(b)(6).

I Was Employed by XA, The Experiential Agency, Inc. in 2014

3. In January 2014, XA, The Experiential Agency, Inc. ("XA") sponsored my application for an O-1 Visa. In early April 2014, the Visa was approved. XA employed me as an Art Director. A copy of my W-2, which XA issued to me as its employee, is annexed hereto as **Exhibit "L."**

4. While I was employed with XA, I never signed any employment handbook that contained a non-solicitation provision, or entered into any written employment or non-solicitation agreement.

5. In its Amended Complaint, XA alleges that I am or was the boyfriend defendant Darren Andereck. Not only does my private life have absolutely nothing to do with this lawsuit, the allegation happens to be false.

WHEREFORE, I respectfully request that this Court grant Defendants' motion to dismiss the First Amended Complaint.

Executed on August 7, 2015.



Remigio Gudín